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C O N F I D E N T I A L SECTION 01 OF 02 TEGUCIGALPA 001821

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SUBJECT: HONDURAN IMMIGRATION SCANDAL: ROMERO LOSES APPEAL
BY PUBLIC MINISTRY; REMAINS FREE; PLANS TO FILE "AMPARO"

REF: TEGUCIGALPA 1802 AND PREVIOUS

Classified By: Charge d'Affaires a.i. James G. Williard;
reasons 1.4 (b) and (d).

1. (C) Summary. The Tegucigalpa Appeals Court ruled 2-1 late August 31 in favor of the Public Ministry's appeal of the August 18 decision by a lower court to grant bail to former Honduran Immigration Director Ramon Romero on the charge of abuse of authority. Post's initial assessment is that Romero's legal complaint against EmbOffs will likely go nowhere, but Post will consult with L on how to proceed. End Summary.

2. (U) The Tegucigalpa Appeals court ruled 2-1 late August 31 in favor of the Public Ministry's appeal of the August 18 decision by a lower court to grant bail to Former Honduran Immigration Director Ramon Romero on the charge of abuse of authority.

3. (C) The vote against the appeal (and therefore siding with Romero) was by Judge Francisco "Paco" Ruiz, a close contact of the Embassy who met August 30 with EmbOffs to discuss the case. Ruiz (protect) sent Post a copy of the ruling September 1 and told PolChief later that day that he wrote the decision and his vote against it was part of a strategy. Ruiz explained further on September 2 that the ruse was made necessary by rumblings from Romero's defense attorney that Romero would appeal a decision as biased if Ruiz voted in favor of the appeal, arguing that Ruiz was known to be close to the Embassy. Ruiz said that as it stood now, he had insulated himself from such accusations.

4. (U) It is unclear when Romero will be returned to jail. Post understands that Romero has the right to appeal the appeals court decision to the Constitutional Chamber of the Supreme Court, using the "amparo" process (akin to the habeas corpus process) and that he plans to do so. Romero has three days to file an "amparo" after official notification from the appeals court. Romero will remain free until the Supreme Court reaches a verdict on Romero's "amparo" request, which could take weeks.

5. (C) RSO spoke to Special Prosecutor for Organized Crime Doris Aguilar on August 31 about the legal complaints by Romero against her and the Embassy. Doris was quite confident that the complaints against EmbOffs would never be investigated. She stated that the complaints against her would likely be investigated and that Romero could use this as a defense strategy to try to get the case reassigned to a different prosecutor.

6. (C) Charge led a meeting September 1 of relevant Embassy sections to discuss any steps required to address the complaint against the Embassy. Management Officer Jesse Coronado has been designated as Post's POC with L on any possible issues resulting from Romero's legal complaint.

7. (C) Comment: Post was happy to see the Public Ministry win its appeal. While still unclear as to what exactly led to Romero's reversal in fortune, Ruiz is clearly expertly managing his part in this legal drama. It should be noted that Supreme Court President Vilma Morales - who was known to previously support Romero in the appeals process - gave the A/DCM a thumbs-up and smile after the decision was announced, when she saw him at an event. This suggests that Morales interceded with the appellate court at the urging of President Ricardo Maduro, who had told the Charge on August 27 that he had discussed with Morales how to send Romero back to jail. Amparos are notorious legal tools in Latin American justice systems, and Post will believe Romero will return to prison when it actually happens. In addition, the larger issue of Romero's actual trial, and the need for the Public Ministry to file additional stronger charges against Romero, is still pending. End Comment.
Williard